

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. Y-01/09-69
)
 Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Office of Vermont Health Access (OVHA) terminating coverage for chiropractic services. The issue is whether chiropractic coverage has been eliminated under the pertinent regulations. The facts are not in dispute.

FINDINGS OF FACT

1. Petitioner is a sixty-eight-year-old man whose sole income is Social Security benefits. Petitioner receives Medicaid and Medicare. Petitioner has a bad back and has seen a chiropractor for help.

2. On December 19, 2008, as part of deficit reduction measures, the Joint Fiscal Committee of the Vermont Legislature mandated that adult chiropractic services would no longer be covered under Medicaid and the Vermont Health Access Program (VHAP).

3. OVHA sent petitioner notice during January 2009 that chiropractic coverage would no longer be covered by Medicaid or VHAP as of February 1, 2009.

ORDER

OVHA's decision is affirmed.

REASONS

Adult chiropractic care is an optional service under the Medicaid program. As part of the 2008 fiscal year budget authorization, the Legislature instructed OVHA to reinstate adult chiropractic coverage. Act 65 of the 2007 Legislature, Section 111b. Due to the turnaround in the State's economic health, the Joint Fiscal Committee took action to cut certain expenditures on December 19, 2008 including adult chiropractic care under the Medicaid and VHAP programs.

OVHA initiated expedited rule-making to eliminate adult chiropractic care pursuant to the Vermont Administrative Procedures Act with an effective date of February 1, 2009. Inasmuch as OVHA's decision is in accord with the regulation, it must be confirmed. 3 V.S.A. § 3091(d).

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